

ORIGINAL
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CLEARY

:

V.

: CIVIL NO. 1:CV-00-2125

KENNETH KYLER, et al.,

: Judge Caldwell

104
RB12
FILED
HARRISBURG, PA

DEC 30 2002

NOTICE OF APPEAL

MARY E. DIAMONTE, CLERK
Per RB
Deputy Clerk

NOTICE IS HEREBY GIVEN THAT **JOHN CLEARY**, PLAINTIFF IN THE ABOVE NAMED CASE, HEREBY APPEAL TO THE **UNITED STATES COURT OF APPEALS** FOR THE **3RD** CIRCUIT (FROM THE FINAL JUDGEMENT) (FROM AN ORDER(DENYING RELIEF AND/OR REMEDY) ENTERED IN THIS ACTION ON THE **27**, DAY OF **NOVEMBER**, 2002.

X
JOHN CLEARY
P.O. BOX 99901
PITTSBURGH, PA
15233

(61)
11/27/02
48m

AO 450 (Rev. 5/85) Judgment in a Civil Case

United States District Court

MIDDLE DISTRICT OF PENNSYLVANIA

JUDGMENT IN A CIVIL CASE

John Cleary,
Plaintiff

v.

CASE NUMBER: 1:CV-00-2125

Kenneth Kyler; William Ward and
Howard Imschweiler,
Defendants

FILED
HARRISBURG, PA

NOV 27 2002

MARY E. D'ANDREA, CLERK
Per 48m
Deputy Clerk

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ **Decision by Court.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED THAT SUMMARY JUDGMENT be and is hereby entered in favor of the defendants, Kenneth Kyler, William Ward and Howard Imschweiler and against the plaintiff, John Cleary.

Certified from the record

Date 11/27/02
Mary E. D'Andrea, Clerk

Per Ann Severino-Michael
Deputy Clerk

Date: November 27, 2002

Mary E. D'Andrea, Clerk of Court

Ann Severino-Michael
(By) Ann Severino-Michael, Deputy Clerk

JOHN CLEARY
P.O. BOX 99901
PITTSBURGH, PA 15233

~~REDACTED~~
MARCIA M. WALDRON, ESQ:
U.S.COURT OF APPEALS
601 MARKET STREET
PHILADELPHIA, PA 19106-1790.

23
DECEMBER 23, 2002

RE: CLEARY V. KYLER, CV-00-2125

DEAR MS. WALDRON,

I AM WRITING TO YOU IN CONCERN OF THE
AFOREMENTIONED CIVIL CASE.

PLEASE FIND ENCLOSED, THREE (3) COPIES OF A **NOTICE OF
APPEAL**. THIS NOTICE IS TO INFORM THE COURT'S OF MY INTENTION
OF APPEALING THE FINAL ORDER OF THE U.S. DISTRICT COURT.

I WISH FOR THIS COURT TO FORWARD A **SIGNED AND STAMPED** COPY
OF THE NOTICE OF APPEAL TO MY PERSON.

PLEASE DO NOT HESITATE TO CONTACT MY PERSON IN ANY FORM
AND/OR MATTER THAT IS IN CONCERN OF THIS CIVIL CASE AND
MATTER.

THANK YOU FOR YOUR CO-OPERATION IN THIS AND ALL MATTERS.

RESPECTFULLY,



JOHN CLEARY

In the United States District Court
for the Middle District of Pennsylvania

John Cleary

Case: CV-00-2123
(Judge Caldwell)

v.
Kenneth Kyler, et al.

Certificate of Service.

This is to certify that a Notice of Appeal
was served via first class ~~mail~~^{mail} to the
person(s) indicated below:

US District Court
Mary Ann D'Andrea Clerk of Courts
228 Walnut Street
PO Box 983
Harrisburg Pa 17108

Date: December 23, 2002

Sincerely;



John Cleary
DF5779
PO Box 99901
Pittsburgh Pa 15233



MARY E. D'ANDREA
Clerk of Court

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF PENNSYLVANIA
William J. Nealon Federal Bldg & U.S. Courthouse
235 North Washington Avenue
P.O. Box 1148
Scranton, PA 18501-1148

(570) 207-5600 FAX (570) 207-5650
Internet Address: www.pamd.uscourts.gov

Divisional Offices:

Harrisburg: (717) 221-3920
Williamsport: (570) 323-6380

Office of the Clerk
United States Court of Appeals
for the Third Circuit
21400 United States Courthouse
601 Market Street
Philadelphia, PA 19106-1790

RE: **John Cleary vs. Kenneth Kyler, et al.**
USDC NO: 1:00-CV-2125
USCA NO:
E-mail Account: All correspondence should be sent to the e-mail account:
PAMDAPPEAL1

Dear Ms. Waldron:

A *Notice of Appeal* was filed in the above-referenced case.

 X **Civil Prisoner Case: Case file and docket sheet available through RACER.**

 Non-Prisoner *Pro Se* Civil Case: Notice of Appeal and Docket Sheet available through RACER.

 Non-Prisoner Civil Case or Criminal Case: Notice of Appeal and Docket Sheet available through RACER.

 Civil Prisoner Case: ___ Supplemental Record filed. Documents and docket sheet available through RACER.

 Non-Prisoner Civil Case or Criminal Case:
___ Supplemental Record filed. Docket Sheet available through RACER.

The Clerk's Office hereby certifies the record and the docket sheet available through RACER to be the certified list in lieu of the record and/or the certified copy of the docket entries.

Very truly yours,

s/ Renee M. Brtalik
Deputy Clerk

Date: January 2, 2003

INFORMATION STATEMENT TO BE COMPLETED BY U.S. DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG, PA

CAPTION:

John Cleary
Vs
Kenneth Kyler, et al.

DISTRICT COURT NO. 1:00-CV-2125

CT. OF APPEALS NO. _____

NOTICE OF APPEAL FILED

COURT REPORTER(S) None

FILING FEE:

NOTICE OF APPEAL PAID X NOT PAID SEAMAN

DOCKET FEE PAID X NOT PAID USA

CJA APPOINTMENT: (Attach Copy of Order)

 PRIVATE ATTORNEY
 DEFENDER ASSOCIATION OR FEDERAL PUBLIC DEFENDER
 MOTION PENDING

LEAVE TO PROCEED IN FORMA PAUPERIS STATUS, IF APPLICABLE:
(Attach Copy of Order)

 MOTION GRANTED (IN FIRST INSTANCE)
 MOTION DENIED (IN FIRST INSTANCE)
 MOTION PENDING BEFORE DISTRICT JUDGE

CERTIFICATE OF PROBABLE CAUSE (STATE HABEAS CORPUS):
(Attach copy of Order)

 GRANTED
 DENIED
 PENDING

COPIES TO:

Judge Caldwell
John Cleary
Raymond W. Dorian
Pia Taggart, Pro Se Law Clerk
File Copy

PREPARED BY Renee M. Brtalik
Deputy Clerk

Date: January 2, 2003

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

January 2, 2003

Re: 1:00-cv-02125 Cleary v. Kyler

True and correct copies of the attached were mailed by the clerk
to the following:

Raymond W. Dorian, Esq.
Office of Chief Counsel
PA Dept of Corrections
55 Utley Drive
Camp Hill, PA 17011 Fax No.: 17179752217

John Cleary
SCI Pittsburgh
DF5779
Box 999D1
Pittsburgh, PA 15322

cc:		
Judge	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Pro Se Law Clerk
Magistrate Judge	<input type="checkbox"/>	<input type="checkbox"/> INS
U.S. Marshal	<input type="checkbox"/>	<input type="checkbox"/> Jury Clerk
Probation	<input type="checkbox"/>	
U.S. Attorney	<input type="checkbox"/>	
Atty. for Deft.	<input type="checkbox"/>	
Defendant	<input type="checkbox"/>	
Warden	<input type="checkbox"/>	
Bureau of Prisons	<input type="checkbox"/>	
Ct Reporter	<input type="checkbox"/>	
Ctroom Deputy	<input type="checkbox"/>	
Orig-Security	<input type="checkbox"/>	
Federal Public Defender	<input type="checkbox"/>	
Summons Issued	<input type="checkbox"/>	with N/C attached to complt. and served by:
		U.S. Marshal <input type="checkbox"/> Pltf's Attorney <input type="checkbox"/>
Standard Order 93-5	<input type="checkbox"/>	
Order to Show Cause	<input type="checkbox"/>	with Petition attached & mailed certified mail
		to: US Atty Gen <input type="checkbox"/> PA Atty Gen <input type="checkbox"/>
		DA of County <input type="checkbox"/> Respondents <input type="checkbox"/>
Bankruptcy Court	<input type="checkbox"/>	
Other _____	<input type="checkbox"/>	

MARY E. D'ANDREA, Clerk

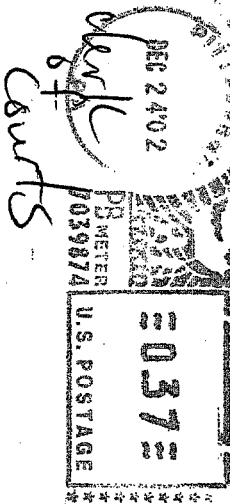
DATE: January 2, 2002

BY: Renee Britain
Deputy Clerk

NUMBER
P. O. BOX 99901
PITTSBURGH, PA. 15233

012117

Ms. Mary Ann D'Andrea
U.S. District Court
228 Walnut St
Po Box 983
Harrisburg Pa 17108



INMATE MAIL - PA DEPT. OF CORRECTIONS

1710840383 93

